

EXHIBIT 12

G E O R G E C L I N T O N, Esq. Governor: 227

per cent. on the whole sum which shall come into their hands by virtue of such appointment, before each dividend made, over and above all necessary disbursements in the premises.

XXVIII. *And be it further enacted by the authority aforesaid,* That any judge or judges, mayor or recorder, who have issued any warrant or warrants, in pursuance and by virtue of any act or acts against absent, absconding or concealed debtors, may proceed thereon by virtue of this act; and that trustees appointed by any of the said acts, may exercise all the powers given by this act to such trustees, and shall be subject to such rules, orders and regulations, as in and by this act are appointed.

XXIX. *And be it further enacted by the authority aforesaid,* That if any person or persons shall be sued for any matter or thing done in pursuance or by virtue of this act, it shall and may be lawful for him, her or them, to plead the general issue, and give the special matter in evidence; and also that this act shall be beneficially construed for the creditors in all courts of record within this state.

XXX. And whereas, by the first section of the act, entitled, ^{§ 7th sess. ch. 54.} An act to amend an act, entitled, An act for relief against absconding and absent debtors, and to extend the remedy of the act, entitled, An act for granting a more effectual relief in cases of certain trespasses, and for other purposes therein mentioned, passed May the 4th, 1784, remedy was given to creditors against debtors, designated in the said first section of the said act, with authority to proceed against such debtors in manner as nearly as may be, as is prescribed and directed in and by an act, entitled, An act for relief against absconding and absent debtors, passed 8d day of April, 1775. And whereas the act last mentioned is expired by its own limitation; *Be it therefore enacted by the authority aforesaid,* That all proceedings hereafter to be had against such debtors as are particularly described in and by the aforesaid first section of the act first aforesaid, shall, as nearly as may be, be in the manner prescribed and directed in and by this act.

C H A P. XXV.

Amended,
10th Feby. ch. 92.

An ACT to regulate the Militia.

Passed 4th April, 1786.

I. *B*E it enacted by the people of the state of New-York, represented in Senate, and Assembly, and it is hereby enacted by the authority of the same, That

Citizens of 16 and every able-bodied male person, being a citizen of this state, under 45 years of age, to be enrolled or of any of the United States, and residing in this state (except such persons as are herein after excepted) and who are

of the age of sixteen, and under the age of forty-five years, shall, by the captain or commanding officer of the beat in which such citizens shall reside, within four months after the passing of this act, be enrolled in the company of such beat. That every captain or commanding officer of a company, shall also enrol every citizen as aforesaid, who shall, from time to time, arrive at the age of sixteen years, or come to reside within his beat, and without delay notify such enrolment to such citizen so enrolled, by some non-commissioned officer of the company, who shall be a competent witness to prove such notice. That all disputes which may happen with respect to the age or ability of any person to bear arms, shall be determined by the captain or commanding officer of the company, with a right of appeal by the person who may conceive himself aggrieved, or by any other person be-

longing to the company, to the colonel or commanding officer of the regi-
 militia how to be ment. That every citizen so enrolled and notified, shall,
 armed and accouerted, within three months thereafter, provide himself, at his own
 expence, with a good musket or firelock, a sufficient bayonet and belt; a
 pouch, with a box therein to contain not less than twenty-four cartridges
 suited to the bore of his musket or firelock, each cartridge containing a pro-
 per quantity of powder and ball, two spare flints, a blanket and knapsack;
 and shall appear so armed, accouerted and provided, when called out to
 exercise or duty, as herein after directed, except that when called out to ex-
 ercise only, he may appear without blanket or knapsack. That the com-
 missioned officers shall be respectively armed with a sword or hanger, and an
 espontoon. That the commander in chief for the time being shall, by gene-
 ral orders, arrange the whole militia into commands, as nearly equal as con-
 veniently may be, of brigades, regiments and companies, and may, from
 time to time, alter such arrangements as he shall think proper; and that to
 each brigade of infantry there shall be one company of artillery, and one
 troop of horse. That each regiment of infantry shall consist of two batta-
 lions, each battalion to be composed of four companies, and each company of

One captain,	Four corporals,
One lieutenant,	One drummer,
One ensign,	One fifer,
Four serjeants,	

Serjeants, corporals, drummers and fifers, And not less than sixty-five privates, as nearly as local cir-
 cumstances will admit. The serjeants, corporals, drum-
 mers and fifers to be, from time to time, appointed by the
 captain.

captain or commanding officers of the several companies.

And if any non-commissioned officer so to be appointed, shall refuse to
 accept the office to which he shall be appointed, he shall forfeit the sum
 of forty shillings, to be adjudged, levied and disposed of as is herein af-
 ter directed, with respect to fines for neglecting or refusing to appear to
 exercise. That each regiment shall be commanded by three field officers,
 viz. One lieutenant-colonel commandant, and two majors; and that to
 each regiment there shall be a regimental staff, to consist of

One adjutant,	}	To rank as lieutenants.
One Quarter-master,		
And one pay-master,		
One surgeon, and		
One surgeon's mate.		

And that to each regiment there shall be two light-infantry companies,
 composed of such active young men as shall voluntarily engage in such in-
 fantry companies, and who shall form on the flanks of the regiment, and be
 clothed in such uniform as is herein after directed. That four regiments
 thus constituted, shall form a brigade, to be commanded by a brigadier-
 general, who may nominate his own brigade-major, which brigade-major
 shall rank as captain.

That each troop of horse shall consist of

One captain,	Four corporals,
One captain-lieutenant,	One saddler,
One lieutenant,	One farrier,
One cornet,	One trumpeter, and
Four serjeants,	Forty horsemen,

GEORGE CLINTON, Esq. Governor. 229

Each trooper to furnish himself with a serviceable horse, at least fourteen hands high, a good saddle, bridle, housing, holsters, breast-plate and crupper, a pair of boots and spurs, a pair of pistols, a sabre, a cartouch-box to contain twelve cartridges for his pistols; and that the commissioned officers shall be armed with a sword and pair of pistols, the holsters of which to be covered with beaverkin caps.

That each company of artillery shall consist of

One captain,	Six gunners,
One captain-lieutenant,	Six bombardiers,
Three lieutenants,	One Drummer,
Six sergeants,	One fifer, and
Six corporals,	Thirty-two matrosses.

Each commissioned officer shall be armed with a sword or hanger, a fusée, bayonet and belt, and cartridge box, to contain twelve cartridges, and each artillery shall furnish himself, at his own expence, with all the equipments, of a private in the infantry, until proper ordinance and field artillery can be provided by the slate; the drum and fife to be provided by the commissioned

Artillery company, and troop of horse, to be formed of volunteers from the district of the brigade, within which they reside, and shall be uniformly clothed in regimentals, to be furnished at their own expence, the colour and fashion of which to be determined by the brigadier commanding the brigade. That on every enlistment of a volunteer into the horse, artillery or light-infantry, the captains of such troops or companies respectively, shall immediately certify the same to the captain of the beat from which such volunteer shall enlist. That each regiment shall be provided with slate and regimental colours, at the expence of the field officers, and each company with a drum and fife, at the expence of its commissioned officers. That all the militia of the slate shall rendezvous four times in a year.

Militia to render-
four times in a
year. That each company to be appointed by the colonel or commanding officer of the regiment, and arranged on different days, that the field and staff officers may have an opportunity of attending the several companies exercised in detail, in order to introduce uniformity in the manœuvres and discipline of the regiment. That each commanding officer of a regiment shall appoint a regimental parade at some convenient place, as nearly central as may be, within the district of his regiment; and each brigadier-general shall appoint a brigade parade at some convenient place within the district of his brigade, as nearly central as may be; at which brigade parade such brigade shall rendezvous on such days as the commander in chief shall appoint by general orders; and which days shall be so arranged, that the adjutant-general may be enabled to visit and review them at their respective brigade parades. That there shall be an adjutant-general of the militia, whose duty shall be to distribute all orders from the commander in chief to the several corps, and once in every year review the brigades; to attend the respective brigades on their respective parades; and the regiment of infantry, and companies of artillery and cavalry, during the time of their being under arms, pursuant to this act; and shall inspect their arms, ammunition, accoutrements and clothing; superintend their exercises and manœuvres, and introduce a system of military discipline throughout the slate, agreeable to such orders as he shall

Altered, sec. 2, ch. 92, sec. 2. brigades; the time and place of rendezvous for the com-

230 L A W S o f N E W - Y O R K , Ninth Session.

from time to time, receive from the commander in chief; to furnish blank forms of different returns that may be required, and explain the principles on which they shall be made; that within three weeks after he shall have finished his annual review, he shall deliver to the commander in chief, a return of all the militia of the state, reporting the actual situation of the arms, accoutrements and ammunition of the several corps, their delinquencies, and every other thing which in his judgment may relate to their police, and the general advancement of good order and military discipline; that he shall have the rank of lieutenant-colonel, and shall be allowed, as a full compensation for all the services he is required to perform by this act, at and after the rate of two hundred and fifty pounds for every year. That to every brigade there shall be an inspector, to rank as major, whose duty it shall be to attend the regimental parades, and shall then and there inspect their arms, ammunition, accoutrements and clothing; superintend their exercises and manœuvres, and introduce a proper system of military discipline throughout his brigade, agreeable to such orders as he may, from time to time, receive from the

~~Light-infantry com-~~ adjutant-general. That at the annual brigade rendezvous, ~~parades, at the annual review, to be formed~~ the light-infantry companies of the regiments composing into a regiment, the brigades, shall be formed into a regiment, to be com-

~~Altered,~~
~~Art. 1st, ch. 92, sec. 2.~~ manded by such field officers as the commanding officer of the brigade shall appoint for that service. That when so

embodied, they shall continue together at least four days, and perform such manœuvres and evolutions, under the direction of the adjutant-general, as he shall assign them. That the artillery company and troop of horse belonging to each brigade, shall, during such service, be attached to and remain with the regiment of light-infantry, and be subject to the orders of the commanding officer thereof. That every regimental commissioned officer shall report his acceptance of his appointment, within ten days from his receiving notice thereof, to the commanding officer of the regiment, who shall, in like manner, within ten days, make return thereof to his brigadier. The commissioned officers of cavalry and artillery shall also notify the acceptance of their appointments, within ten days after they have received notice, to their captains, and the captains shall make similar returns to their brigadiers within ten

~~General court-martial.~~ That a general court-martial shall consist of thirteen commissioners, who shall appoint their own judge-advocate; which judge-advocate shall tender to each member, and each member is hereby enjoined to take the following oath:

YOU do swear, That you will, well and truly try and determine, according to evidence, the matter now depending between the people of the state of New-York, and the prisoner or prisoners to be tried; and you do further swear, That you will not divulge the sentence of the court, until the same shall be approved of, pursuant to this act; neither will you, upon any account, at any time whatsoever, disclose or discover the vote or opinion of any particular member of the court-martial, unless required to give evidence thereof by a court of justice, in a due course of law. So help you God.

. And the president is hereby authorised to tender to the judge-advocate, who is hereby enjoined to take the following oath:

YOU do swear, That you will not, upon any account, at any time whatsoever, disclose or discover the vote or opinion of any particular member of the court-martial, unless required to give evidence thereof as a

G E O R G E C L I N T O N, Esq. Governor. 237

Witness, by a court of justice, in a due course of law; and that you will not divulge the sentence of this court, until the same shall be approved, pursuant to this act. So help you God.

^{Commissioned officers when convicted how to be punished.} That every commissioned officer who shall be convicted by a general court-martial, of having refused or neglected to perform any of the duties of his office, shall be punished according to the nature and degree of his offence, at the discretion of the said court, either by fine or removal from his office. Provided, No fine shall exceed ten pounds for the first offence, or fifty pounds for any subsequent offence; which fine shall be levied and collected by warrant under the hand and seal of the commanding officer of the brigade, directed to any serjeant of the regiment to which such officer, on whom such fine is imposed, may belong, in like manner as the fines herein after mentioned to be recovered of non-commissioned officers and privates, for neglect or refusal of duty. That the commanding officer of a brigade may order courts-martial for the trial of offences within his brigade; the members of which shall be warned for that duty by the brigade-major, who is to keep a roster for that purpose. That the proceedings and sentence of every court-martial, by which any officer shall be removed from office, shall be in writing, signed by the president thereof; and that all proceedings and sentences shall, by the president, be delivered to the commanding officer of the brigade, to be by him transmitted to the commander in chief, who shall approve or disapprove of the same in orders; and that all other proceedings and sentences of brigade courts-martial, shall be delivered by the president thereof to the commanding officer of the brigade, who shall approve or disapprove of the same in

^{Courts-martial for the trial of general officers, how to be ordered and conducted.} That a court-martial for the trial of general officers, shall be ordered by the commander in chief, and composed of general and field officers, who shall be warned to that duty by the adjutant-general, from a roster to be by him kept for that purpose. That the proceedings and sentences of such courts shall be transmitted by the presidents thereof, to the commander in chief, who shall confirm or disapprove of the same in general orders. Provided, That no sentence of a court-martial on a general officer, shall go farther than removal from office. That all sentences of courts-martial, by which any officer shall be removed, and which shall be approved by the commander in chief, shall, by him, from time to time, be laid before the council of appointment, to the end that the person administering the government of this state for the time being, by and with their advice and consent, may appoint others instead of the officers so removed from office. That every non-commissioned officer or private, who shall neglect to appear when warned in pursuance of this act, without sufficient excuse, shall, for every day he neglects to appear at the brigade rendezvous, forfeit the sum of twenty shillings, and shall, for every day he neglects to appear at the regimental or company parades, forfeit the sum of eight shillings; and if he shall not be armed and equipped according to the directions of this act, when so appearing, without sufficient excuse, he shall, for every deficiency, forfeit the sum of one shilling; and appearing

^{Commissions to be numbered, and officers to take rank according to such numbers.} without a musket, the sum of four shillings. That the commissions to be granted to officers of the militia, shall be numbered; and the officers of the same grade shall take rank according to the numbers marked on their respective commissions; and when officers of different corps shall meet on duty, the rank of officers of the like grade shall be determined by

^{Altered.} ^{1/2 sec. cl. 92, sec. 3.}

232 · L A W S O F N E W - Y O R K, Ninth Session.

ballot, by the commanding officer of the whole then present. That one No brigade, regt. brigade, regiment, or company of foot (except the light-in-
ment or company, en- fantry companies herein before mentioned) shall not be con-
titled to rank. sidered as older, or having rank or preference of the other ; but each brigade, regiment, or company, shall be posted in the line, or on command, as the commanding officer shall think proper. That all fines arising from offences in a company only, shall be adjudged of, and imposed by the commissioned officers of the said company, or the major part of them ; and all fines to arise from offences on calling out the regiment or brigade, with respect to the non-committed officers and privates, shall be adjudged and inflicted by the major part of the field officers of the regiment, and shall be levied, with costs, not exceeding three shillings, by warrant from the colonel or commanding officer of the regiment, or captain, or commanding officer of the company, as the case may be, directed to one or more serjeants, by distress and sale of the goods and chattels of the offenders respectively. And in case any such defaulter shall be under age, and live with his father or mother, or shall be then an apprentice or servant, the master or mistres, or father or mother, as the case may be, shall be liable to pay the said fine, with costs ; and in default of payment, the said serjeant shall levy the same upon the goods and chattels of such father or mother, or master or mistres ; such

To be paid into the treasury of this state, to the officer granting such warrant, whose duty it shall be Altered, 10th sess. ch. 92, sec. 7, to account for, and pay the same to the commanding officer of the brigade ; and such commanding officer shall pay

City of New-York to raise one regiment of artillery. the same into the treasury of this state. That the city and county of New-York shall raise one regiment of artillery, to consist of as many companies as the commander in chief shall judge necessary, not to exceed four ; which companies shall consist of the same number of officers, non-committed officers, and matrosses, as the artillery companies herein before mentioned. That such regiment of artillery shall have three field officers, shall be armed and accoutred in the same manner as the other artillery companies mentioned in this act, until further provision is made therein by law, and shall be called out to exercise, by orders from the commander in chief, at least six times in every year, and be subject to the same fines and penalties as are inflicted by this act for the neglect or refusal to do duty, or being deficient in any arms or equipments.

II. And be it further enacted by the authority aforesaid, Commander in chief, That the commander in chief for the time being, may, in case of invasion or other emergency, when he shall judge it necessary, order out any proportion of the militia of the state, to march to any part thereof, and continue as long as he may think necessary ; and likewise may, in consequence of an application from the executive of any of the United States, on an invasion, or an apprehension of an invasion of such state, at his discretion, order any number of the militia, not exceeding one third part thereof, to such state. Provided, That they be not compelled to continue on duty out of this state more than forty days at any one time : That while in actual service, in consequence of being so called out, they shall receive the same pay and rations, and be subject to the same rules and regulations, as the troops of the United States of America.

III. And be it further enacted by the authority aforesaid, Certain characters excepted from militia duty. That the lieutenant-governor, members and officers of congress, and their servants not citizens of this state, mem-

G E O R G E C L I N T O N, Esq. Governor. age

bers of senate and assembly, the clerks of senate and assembly, the chancellor, chief justice and other justices of the supreme court, judge of the court of probates, and all other judicial officers, secretary, treasurer, attorney-general and auditor of this state, surveyor-general, registers of courts, sheriffs, coroners and gaolers, two ferrymen employed to each boat, and the surrogates in the several counties, all ministers or preachers of the gospel, physicians and surgeons, except in their respective professions and callings, the professors, tutors and students of Columbia college, post-officers, and stage-drivers who are employed in conveying the mails of the post-office of the United States, all school-masters engaged for six months, the actual attendant of every grist-mill, and the fire-men of the cities of New-York and Albany, and of the township of Brooklyn; and twenty fire-men, to be from time to time appointed by the majority of the magistrates of the county of Albany, residing in the township of Schenectady, notwithstanding their being above sixteen and under forty-five years of age, shall be, and hereby are exempted from training or doing duty in the militia.

IV. And be it further enacted by the authority aforesaid,
 That all persons, being of the people called Quakers, who
 would otherwise be subject to military duty, by virtue of this
 act, and who shall refuse personal military service, shall be

'exempted therefrom, on paying annually the sum of forty shillings each for such exemption; such sum to be assessed on each of them respectively by the assessors, and collected by the collectors of the districts wherein they respectively reside, with the contingent charges of the county, and paid to the county treasurer, who shall pay the same into the treasury of this state, to be applied towards the support of government; and it is hereby made the duty of every captain of infantry, within three months after he shall have received his commission, and yearly and every year thereafter, on the first Monday of June in every year, to make a list of the names of all and every person and persons within his beat, who being of the people called Quakers, shall neglect or refuse personally to perform military service, and deliver such list, in the city of New-York, to the clerk of the said city, and in each of the other counties of this state, to the supervisor of the town, precinct or district where such person or persons so neglecting or refusing to perform military service, shall respectively reside. And the clerk of the said city of New-York shall forthwith, after receiving such lists, deliver the same to the mayor, aldermen and commonalty of the said city, in common council convened. And the mayor, recorder and aldermen of the city of New-York, or any three of them, in the said city, and the supervisors, or major part of them, of each of the other counties of this state, respectively, shall, at their first meeting after the delivery of such lists, cause tax-lists to be made out, according to such lists so delivered, with warrants thereon, under their hands and seals, directed to the collector of the ward, town, precinct or district in which such persons named in such lists, respectively reside, for levying the sum of forty shillings, of the goods and chattels of each of the persons named in the same lists. And the said collectors are hereby respectively authorised and required to demand and receive of each of the persons named in such tax-list, the said sum of forty shillings; and in default of payment, such collector shall levy the said sum of forty shillings, by distress and sale of the goods and chattels of the person so neglecting or refusing to pay the same; and in case any person named in such tax-list shall be under age, and live with his father or mother,

234 LAWS OF NEW-YORK, Ninth Session.

shall be then an apprentice or servant, the master or mistress, or father or mother as the case may be, shall be liable to pay the said sum of forty shillings, for such person so under age; and in default of payment, the collector shall levy the same by distress, and the sale of the goods and chattels of such father or mother, master or mistress; and the said respective collectors shall respectively pay the said monies to the city or county treasurer, deducting their fees for collecting, on or before the first Monday in January in every year; and the county treasurers shall respectively pay the same to the treasurer of this state, deducting his fees for receiving the same, on or before the first Monday in March in every year. And the collectors and county treasurers shall have the like fees for collecting and receiving the said monies, as they are respectively entitled to for collecting and receiving the monies raised for defraying the necessary and contingent charges of the said city or counties.

[The 5th section of this act is repealed, with sect. ch. 92, Sec. 4, and the 6th, 7th and 8th sections are thereby become obsolete.]

IX. And be it further enacted by the authority aforesaid, That the commander in chief shall, from time to time, arrange the militia in two divisions, as nearly equal as circumstances in his opinion will admit of.

X. And whereas from the great extent of the counties of Washington & Montgomery who live above 30 miles fronte^r would be subject to great expence and difficulty, if they were obliged to attend at regimental and brigade parades; *Be it therefore enacted by the authority aforesaid,* That it shall and may be lawful for the respective commanding officers of the militia in each of the said counties, to exempt such persons from attending regimental and brigade parades, as shall live at a greater distance than thirty miles from such parades aforesaid.

XI. And whereas, from the insular situation of the county of Richmond, it will be attended with much inconvenience and expence, if the militia thereof should be compelled, for the purpose of improving in military discipline, to attach themselves to the militia of any other county: Therefore,

Be it further enacted by the authority aforesaid, That the militia in Richmond to be formed into one regiment, shall be formed into one regiment, to consist of as many companies as the commander in chief shall judge necessary; which regiment shall meet four times in the year, in the manner, and during the periods which the other militia of this state are directed to meet; but such regiment shall be inspected in

And considered as the said county, by such inspector of the militia of the city part of the militia of and county of New-York, as the commander in chief shall direct, and shall be attached to, and considered as part of the militia of the city and county of New-York, and be subject to the immediate command of the senior brigadier of the said city and county, as part of his brigade.

XII. And be it further enacted by the authority aforesaid, That if a sufficient number of volunteers shall not offer themselves to compose the infantry companies of any regiment, it shall and may be lawful, from time to time, when a deficiency in the compliment of any such company shall arise, to and for the field officers of the regiment to cause a list to be made, of all the young men enrolled in the district of such regiment, above the age of sixteen, and under the age of twenty-six years, and who shall not already have enlisted in the said infantry companies, and shall, by lot, determine which of

G E O R G E C L I N T O N, Esq. Governor. 235

the said young men shall be compelled to attach themselves to the said companies of infantry.

XIII. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful to and for any major general, or commanding officer of a brigade, or commanding officer of a regiment, when, and as often as any invasion may happen, to order out the militia under their respective commands, for the defence of this state, giving notice of such invasion and every circumstance attending the same, as early as possible, to their immediate commanding officer, by whom such information shall be transmitted, with the utmost expedition, to the commander in chief. And that in cases of insurrections, the commanding officer of the regiment within the limits of which any such insurrection may happen, shall immediately assemble his regiment under arms, and having transmitted information thereof to the commanding officer of the brigade, and to the commander in chief, shall proceed to take such measures to suppress such insurrection, as to any three of the judges or justices of the county in which such insurrection shall happen, Officers duty in case of insurrections.

Persons disabled in opposing any invasion or insurrection, to be provided for at the any invasion or insurrection, or in suppressing the same, he public expence, shall appear most proper and effectual. And if any person shall be wounded or disabled while in actual service, in opposing or insurrection, to be provided for at the any invasion or insurrection, or in suppressing the same, he public expence, shall be taken care of, and provided for at the public expence, without having any regard to the rank such person may hold.

XIV. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the person administering the government of the state for the time being, by and with the advice and consent of the council of appointment, to appoint a commissary of military stores, who shall be allowed at and after the rate of forty pounds per annum; and such commissary shall have the charge and keeping of ordinance and military stores of the state, subject to such orders and instructions in the execution of his duty, as he shall receive from the commander in chief.

XV. *And be it further enacted by the authority aforesaid,* That every non-commisioned officer and private, who shall commit any non-commisioned officers and privates for neglecting or refusing to obey orders, while under arms, shall forfeit twenty shillings for every such offence; and if any such non-commisioned officer or private enrolled to serve in either of the companies of artillery, cavalry or infantry, shall refuse or neglect to perform such military duty or exercise as he shall be required to perform, or shall depart from his colours or guard without the permission of his superior officer as aforesaid, he shall forfeit the sum of twenty shillings; and for the non-payment thereof, the offender shall be committed, by warrant from the captain or commanding officer of the troop or company then present, to which such offender doth belong, to the next gaol, there to be confined until the fines as aforesaid, together with the gaoler's fees, are paid; and the respective sheriffs of the respective cities and counties of the state, are hereby empowred and required to receive the body or bodies of such offender or offenders, as shall be brought to them by virtue of a warrant or warrants under the hand and seal of such officer as aforesaid, and him or them to keep in safe custody, until such fines as are mentioned in such warrant, together with the gaoler's fees as aforesaid, shall be paid; and the sheriffs and gaolers respectively shall be allowed the same fees as are allowed in other cases. Provided, That in case of a military guard, where a captain doth not command in person, a warrant granted by an inferior officer, who

296 L A W S o f N E W - Y O R K , Eighth Session.

shall have the command of such guard, shall be of the same authority against all offenders, as if such warrant had been issued by such captain.

XVI. *And be it further enacted by the authority aforesaid,* That the military uniform of this state shall be as follows; That is to say,

General officers; Dark blue coats with buff facings, linings, collars and cuffs, and yellow buttons, with buff under-clothes.

Regimental officers of infantry; Dark blue coats with white linings, facings, collars and cuffs, and white buttons, with white under-clothes.

Non-commissioned officers and privates of infantry; Dark blue coats with white linings, collars and cuffs, and white under-clothes.

Staff officers; Dark blue coats with buff collars and linings, and yellow buttons.

Provided, That none of the non-commissioned officers and privates of the regiments of militia, except those composing the light-infantry companies, directed to be formed by this act, shall be obliged to appear in uniform, in manner aforesaid.

Former continental officers exempted from serving in the militia. XVII. *And be it further enacted by the authority aforesaid,* That all persons who have heretofore been commissioned officers in the line of the army of the United States, shall be, and hereby are exempted from serving in the militia of this

See 10th. sess. ch. 92. Sec. 8. 21st sess. ch. 95. sec. 31. state; any thing in this act to the contrary hereof notwithstanding. Provided nevertheless, That if any such officer, being above the age of sixteen, and not more than forty-five years, shall be commissioned in the militia to a rank equal to that which he held in the said army, and shall refuse to accept such commission, such officer so refusing, shall be liable to serve in the militia.

XVIII. *And be it further enacted by the authority aforesaid,* That the commander in chief shall, as soon as may be after the passing of this act, take such measures as to him shall seem proper, to obtain the age, rank and residence of all officers who heretofore have served in the militia of this state, and the number of men between the age of sixteen and forty-five, directed to be enrolled by this act; and all executive officers within this state are hereby strictly enjoined and required to carry into execution such directions relative to the premises, as the commander in chief may, from time to time, give and enjoin.

XIX. *And it be further enacted by the authority aforesaid,* Former militia acts repealed. That all other laws of this state for regulating the militia thereof, shall be, and hereby are repealed. Provided al-

ways, That the act, entitled, An act to regulate the militia, passed the 4th of April, 1782, shall continue to be in full force and effect in the different counties of this state, until the militia of such counties shall be arranged and officered agreeable to the directions of this law, and no longer.

C H A P. XXVII.

An ACT for the Relief of Creditors against Heirs, Devisees, Executors and Administrators, and for proving Wills respecting real Estates.

Passed 4th April, 1786.

I. BE it enacted by the people of the state of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same, That